

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY
HELP AMERICA VOTE ACT (HAVA) GRANT
PERFORMANCE REPORT

Fiscal Year 2005

DESIGNATED AGENCY IDENTIFICATION

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VOPA Executive Director

Date

The Virginia Office for Protection and Advocacy ("VOPA")

The Virginia Office for Protection and Advocacy ("VOPA") received its first grant under the Help America Vote Act in the fall of 2003. Since that time, the agency has had significant accomplishments in outreach, advocacy, and accessibility monitoring that have advanced the rights of people with disabilities to participate in voting.

ADVOCACY AND LEGAL ACTIVITIES

After public input and advice from VOPA's two advisory councils, the Governing Board established the following objectives for Fiscal Year 2005 for ensuring full participation in voting by people with disabilities:

Goal: People with Disabilities have Equal Access to Government Services

Focus area: Polling Places for People with Disabilities

Objectives:

1. Increase voter registration among persons with disabilities by distributing voter registration forms at all public events in which VOPA participates.
2. Distribute VOPA's Interactive Polling Place Survey to all Virginia Centers for Independent Living and to all Protection and Advocacy systems that request it.
3. Conduct two trainings on polling place accessibility, using VOPA's Interactive Polling Place Survey Instrument.
4. Create a public service announcement to inform the community of their right to access to polling places and air on television market by August 30, 2005.
5. Develop and implement an advocacy and public awareness campaign to increase knowledge of the voting rights of persons with disabilities and to increase the accessibility of polling sites.
6. Through litigation or other advocacy, ensure that the Virginia Board of Elections conducts and completes surveys of polling places and takes such steps as are necessary to ensure that they are accessible to persons with disabilities
7. Through litigation or other advocacy, eliminate barriers to voting by absentee ballot for persons with mental illness and other "non physical" disabilities.

VOPA has completed or substantially completed all of these objectives.

Specifically, VOPA provides voter registration forms, VOTE VIRGINIA! brochures and VOPA voting rights information for callers and walk-in clients. VOPA distributed its Interactive Polling Place Survey Instrument to all interested parties and continues to do so. The Survey Instrument was also distributed to many Centers for Independent Living. At least a dozen other Protection and Advocacy entities have requested and received the Instrument. Every presentation that is a general overview of VOPA includes information about HAVA and VOPA's efforts in this area. We continue to distribute our publication entitled "Vote Virginia" and voter registration forms at all fairs and exhibits with our other VOPA materials.

VOPA conducted a training at each of VOPA's Advisory Councils (the Protection and Advocacy for Individuals with Mental Illness [PAIMI] Advisory Council and the Disabilities Advisory Council (DAC) meetings on the HAVA grant efforts including voting rights and polling place accessibility. The presenter provided a polling place checklist and directions that can be used when accessing a polling site.

VOPA, through a contract with the Virginia Commonwealth University School of Mass Communications, created a public service announcement on voting accessibility. It was aired prior to the Virginia Primary Elections in June, 2005. In addition, it was posted on the VOPA website. The VOPA Governing Board and Advisory Councils were alerted of the television airing and website availability. An announcement was posted on several disability-related listservs alerting the public to its availability.

VOPA conducted extensive monitoring of voting sites on Election Day 2004 to examine accessibility for persons with disabilities. Staff from all disciplines within the agency were provided training on the Polling Place Survey Instrument and participated in the poll monitoring process. This enabled VOPA to provide education for both the poll workers and the public in general in several areas across the State, and to facilitate voting for individuals with disabilities. This project generated some case level services as well as public support via verbal comments at the polling sites. VOPA generated individual cases based on discrimination discovered through the poll monitoring.

VOPA represented people alleging inaccessible voting locations and entered into settlement agreements ensuring that specific voting places be made accessible. In one case a person using a wheelchair had great difficulty gaining access to voting due to accessible parking issues. She resorted to using a non-accessible space and when she returned from voting, she could not get back into her lift-equipped truck due to another car being parked too close. VOPA informed the locality and the State Board of Elections of this complaint and requested resolution. VOPA will monitor this locality in the November 2005 elections to ascertain whether corrective actions have been taken.

VOPA represented a woman with a visual impairment who had great difficulty voting even though she had contacted her locality in advance to ensure that she could have assistance with voting. The printed ballot was too light for her to read and there was much resistance on the part of the poll workers to have family members assist her. Through advocacy, VOPA was able to ensure she received the appropriate accommodations.

VOPA continues to negotiate with State and Local Boards of Elections to resolve disputes over a site that has physical accessibility issues, and a site that did not have accessible equipment for voters with visual impairments in the 2004 election.

As a result of other advocacy by VOPA, the State Board of Elections has guaranteed that persons with "non physical" disabilities have access to absentee ballots. Virginia's absentee voting statute seems to limit absentee ballots to people who are physically unable to access polling sites. VOPA advocated to make sure that people with developmental disabilities, mental illness or other "non-physical" disabilities have equal access to absentee ballots. After VOPA demanded that the Virginia Board of Elections clarify its position on this matter, it received a letter from the Chair of the Board of Elections guaranteeing that people with "non-physical" disabilities will have equal right to vote via absentee ballot.

OUTREACH AND EDUCATION

“Voting rights” are a part of VOPA’s general outreach and education plan. VOPA identified the Eastern Shore and far Southwest Virginia as areas that are underserved by the Office, based on client database data analysis, staff input and public comment. VOPA has also identified the deaf and hard of hearing and visually impaired populations in far Southwest Virginia as “underserved populations” and is actively working with legal service organizations, Centers for Independent Living and other social organizations to get the word out about VOPA’s mission and services.

VOPA reviewed and updated the VOPA newsletter mailing list. We have made efforts to expand it to include more consumers, family members, and advocates.

With the assistance of VOPA’s Spanish-speaking Outreach Committee, VOPA has been able to get a sense of the diverse needs of this community. VOPA has begun the general education process by meeting with the Limited English Speaking Program in Richmond to discuss VOPA’s mission and services. VOPA has also met with the Governor’s Latino Advisory Commission Liaison to discuss the findings of the Latino Advisory Commission’s report on the needs of the Latino community in Virginia. VOPA’s publications related to voting rights and voter registration forms have been provided to these audiences.

VOPA provided a presentation to a group of young people (Youth Leadership Forum) who were participating in a program that teaches them about disability rights and self advocacy. VOPA provided information about voting rights and accessibility in addition to an overview of the services we provide.

VOPA responded to 230 requests for information and referral related to voting accessibility and voting rights.

VOPA has a direct link to the State Board of Elections’ website on the VOPA website. VOPA had 19733 for a total number of website hits (not just for HAVA) for FY05.

PART III: STATISTICAL INFORMATION FOR INDIVIDUALS SERVED

A. AGE OF INDIVIDUALS SERVED

Age	Number of individuals
18 to 21	
22 to 40	
41 to 64	3
65 and over	
Age Unknown	
Total	3

B. GENDER OF INDIVIDUALS SERVED

Gender	Number of individuals
Male	
Female	3
Total	3

C. RACE AND ETHNICITY OF INDIVIDUALS SERVED

Race	Number of individuals
a. American Indian or Alaska Native	
b. Asian	
c. Black or African American	
d. Native Hawaiian or Other Pacific Islander	
e. White	2
f. More than one race	
g. Unknown/not reported	1
h. Total	3

D. PRIMARY DISABILITY OF INDIVIDUALS SERVED

Primary Disabling Condition	Number of individuals
1. Blindness (Both Eyes)	1
2. Other Visual Impairments (Not Blind)	1
3. Orthopedic Impairments	1
Total	3